

REMARKS/ARGUMENTS

In response to the Office Action mailed September 20, 2005, Applicants amend their application and request reconsideration. In this Amendment claim 1 is cancelled and claims 14-18 are added so that claims 2-18 are now pending.

Subject to correction of certain informalities, claims 11-13 are allowed. In this Amendment, a word inadvertently deleted from claim 11 in preparing the Preliminary Amendment is restored. The other comments concerning claims 11-13 have been given careful attention and some amendments are made in claims 12 and 13 in response. Many of the other comments, contained in claim objections, relate to whether it is appropriate to use the indefinite article or the definite article. As to these points, the claims are clear to one of skill in the art as presented and that clarity would be reduced by making the suggested changes. There has been no rejection of the claims on these points pursuant to 35 USC 112. Thus, the claims are believed to be clear and unambiguous so that further amendment of those allowed claims is unnecessary.

An objection was made to Figure 1 with the assertion that certain elements shown in that figure are not described in the patent application. A replacement drawing sheet eliminating the ' is supplied to overcome this rejection. Approval is respectfully requested.

The Examiner asserted that the title of the patent application was not descriptive. Applicants respectfully disagree but have made a minor amendment in the title in an attempt to improve its form.

The objection to the specification with regard to certain typographical errors referring to X-ray absorbers has been overcome by appropriate amendment of the specification.

In this Amendment independent claim 1 has been cancelled. Dependent claims 2-6, formerly depending from claim 1, have been amended to depend from independent claim 7. Independent claim 7 has been amended for clarity and consistency with the embodiment of Figure 13 of the patent application and the corresponding description in the patent application at pages 26 and 27. Amended claim 7 makes clear that, unlike the other embodiments of X-ray masks described in the patent application, the substrate,

which functions as an X-ray transmitter, has a number of recesses in it leaving original parts of the substrate projecting. The X-ray absorber is disposed on these projecting portions that are separated by recesses.

Claim 9 has been rewritten in independent form with some clarification. This claim pertains to the embodiments of the invention described with respect to Figures 14 and 15 at pages 27 and 28 of the patent application. Claim 10 has been amended to conform to its parent claim 9, and new claims 14-18, derived from original claims 2-6, are added as depending from claim 9.

Claims 1, 5-7, 9, and 10 were rejected as anticipated by Itoga et al. (Published U.S. Patent Application 2001/0021239, hereinafter Itoga). This rejection is respectfully traversed to the extent still pertinent.

The rejection is moot as to claim 1 in view of its cancellation. The rejection is only potentially applicable to claims 5 and 6 if Itoga anticipates amended claim 7. Since there is no such anticipation, the rejection is erroneous as to claims 5-7.

Itoga was relied upon as meeting the steps of examined claim 7 regarding forming a "removed portion" from an X-ray transmitter based upon the language of examined claim 7. Since claim 7 has been clarified and explains that it is the transmitter, i.e., substrate, that includes recesses extending into the substrate, it is apparent that Figure 14 of Itoga, relied upon in the rejection, cannot meet the terms of the claim 7 that is now pending. The transmitter, i.e., substrate, 16 in Figure 14 of Itoga includes no recesses but, rather, has two substantially parallel planar surfaces. The rejection should be withdrawn.

The rejection of claims 9 and 10 as anticipated by Itoga is no longer pertinent. Claim 9, as amended, explains that the first and second X-ray absorbers have respective stacked portions and that those portions have different widths. Examined claim 9 was rejected based upon Figure 14 of Itoga. However, it is apparent that each of the layers in each element of the pattern defined by the X-ray mask shown in that figure has the same width. Thus, the rejection of claims 9 and 10 must be withdrawn and is not applicable to any of the newly added claims.

The rejection of claims 1 and 4 as anticipated by Sentoku et al. (U.S. Patent 5,553,110) is moot in view of the cancellation of claim 1 and the change in the dependency of claim 4 so that claim 4 depends from amended claim 7.

The rejections for obviousness of claims 2 and 3 over Itoga in view of respective secondary references are moot in view of the foregoing amendments. Claims 2 and 3 now depend from claim 7, a claim not anticipated by Itoga, the basis of the rejections of original claims 2 and 3. Thus, these rejections cannot be applied properly to claims 2 and 3 as now pending.

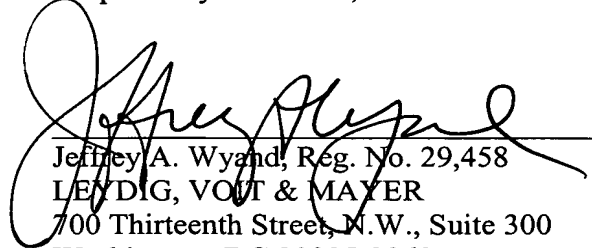
Claim 8, a dependent claim that depends from claim 7, was rejected as unpatentable over Itoga in view Zapka et al. (U.S. Patent 4,855,197, hereinafter Zapka). This rejection is respectfully traversed.

Neither Itoga nor Zapka describes a substrate that is an X-ray transmitter having the recesses as in the structure described in amended claim 7. Therefore, no combination of those two patent documents could establish *prima facie* obviousness of claim 18.

Claims 1, 2, 5, 6, 9, and 10 were rejected for double patenting of the obviousness type over Watanabe et al. (U.S. Patent 6,898,267, hereinafter Watanabe) in view of Itoga. This rejection is no longer pertinent to claims 1, 2, 5, and 6 in view of the foregoing amendments. With regard to the rejection of claims 9 and 10, a Terminal Disclaimer is supplied with respect to Watanabe, overcoming the rejection.

The foregoing Amendment places the remaining claims in form for allowance which is earnestly solicited.

Respectfully submitted,


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AMENDMENTS TO THE DRAWINGS

The attached sheet includes changes to Figure 1. In the replacement drawing, the reference characters A', B', C', and D' are replaced by A, B, C, and D, respectively.

Attachment: Replacement Sheet(s)